

The Gazette



of India

PUBLISHED BY AUTHORITY

N^o 31] NEW DELHI, SATURDAY, AUGUST 4, 1951

NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 1st August 1951:—

Issue No.	No. and Date	Issued by	Subject
120	S. R. O. 1121, dated the 24th July 1951.	Ministry of Finance.	Appointment of 3 persons as Members of the Commission under Section 289-B of the Indian Companies Act, 1913.
	S. R. O. 1122, dated the 24th July 1951.	Ditto	Prescribing the form in which applications for approval shall be made under the Indian Companies Act, 1913.
121	S. R. O. 1123, dated the 25th July 1951.	Ministry of Food and Agriculture.	Amendment in the Notification No. 16/2 51 EP., dated the 27th April, 1951.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

New Delhi, the 26th July 1951

S.R.O. 1162.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Law No. F. 35-I/50-L, dated the 26th January 1950, relating to the execution of contracts and assurances of property, namely:—

In Part XV of the said notification, after Head D, the following Head shall be added, namely:—

“E.—In the case of the Organisation of the Coal Mines Labour Welfare Fund:—

Contracts and other instruments relating to purchase and transfer of lands, buildings, etc of the Coal Mines Labour Welfare Fund Organisation, the execution

and the maintenance of works of all kinds in respect of the Coal Mines Labour Welfare Fund Organisation and any matter other than those hereinbefore specified in respect of the activities of the Coal Mines Labour Welfare Fund Organisation in Coalfields throughout India ; Security bonds for the due performance and completion of works in respect of the Coal Mines Labour Welfare Fund Organisation ; *by the Coal Mines Welfare Commissioner.*"

[No. F. 35-I/51-L]

SHRI GOPAL SINGH, Dy. Secy.

New Delhi, the 31st July, 1951

S.R.O. 1163.—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (XLIII of 1950), the Central Government, after consulting the Election Commission, hereby makes the following amendment in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950 namely :—

For clause (b) of rule 2 of the said Rules the following clause shall be substituted, namely :—

"(b) " Chief Electoral Officer "

means,—

- (i) in relation to a Part A State or Part B State, the officer appointed by the State Government, and
- (ii) in relation to a Part C State, the officer appointed by the Central Government or the Chief Commissioner of that State.

to perform the functions of a Chief Electoral Officer under these Rules."

[No. F. 10 (1)/51-C.]

S. N. MUKERJEE, Jt. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 27th July 1951

S.R.O 1164.—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to exempt the Maharajkumar of Bhutan from the operation of all the prohibitions and directions contained in the said Act in respect of two empty Magazines for pistols which are in transit to Bhutan.

2. The exemption shall be valid up to the 31st day of August, 1951.

[No. 9/33/50-Police (I)]

U. K. GHOSHAL, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 27th July, 1951

S.R.O 1165.—In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), the Central Government hereby directs

that the following amendment shall be made in the Chandernagore (Application of Laws) order, 1950, namely :—

In the *Schedule to the said Order after the entry relating to the Indian Oaths Act, 1873*, the following entry shall be inserted, namely.

1887 The Provincial Small Causes Court Act, 1887. Omit Sub-section (3) of Section 1.

[No. 388-EUR.I.]

U. S. BAJPAI, Under Secy.

MINISTRY OF STATES

New Delhi, the 17th July 1951

S.R.O. 1166.—In exercise of the powers conferred by section 2 of the Part C Provinces (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Bilaspur the East Punjab Animal Contagious Diseases Act, 1948 (East Punjab Act XLVII of 1948) as at present in force in the State of Punjab, subject to the following modifications, namely :—

Modifications

(1) Throughout the Act except in the title for the “State Government”, and “Punjab”, the words “Chief Commissioner”, and “Bilaspur” shall respectively be substituted.

(2) In clause (b) of section 4—

for the word “their”, the word “his” shall be substituted.

(3) In sub-section (1) of section 5—

for the words “they think”, the words “he thinks” shall be substituted.

(4) In section 6 and sub-section (1) of section 23—

for the word “it”, the word “he” shall be substituted.

(5) In sub-section (1) of section 9—

for the words “they” and “their” the words “he” and “his” shall respectively be substituted.

(6) In the proviso to sub-section (1) of section 17—

for the words “local Government” the words “Chief Commissioner” shall be substituted.

ANNEXURE

The East Punjab Animal Contagious Diseases Act, 1948 (East Punjab Act XLVII of 1948) as modified.

THE EAST PUNJAB ANIMAL CONTAGIOUS DISEASES ACT, 1948

EAST PUNJAB ACT NO. XLVII OF 1948

Received the assent of His Excellency the Governor of East Punjab on the 15th of November, 1948, and was first published for general information in the *Government Gazette, Extraordinary*, dated the 20th November, 1948.]

An Act to provide for the prevention and control of contagious diseases affecting animals

WHEREAS it is expedient to provide for the prevention and control of contagious diseases affecting animals, it is hereby enacted as follows :—

CHAPTER I—PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the East Punjab Animal Contagious Diseases Act, 1948.

(2) It extends to the whole of Bilaspur State.

(3) This section shall come into force at once and the Chief Commissioner may by notification bring the rest of the Act, or any part of it, into force in the State or any area in the State on such date and for such period as may be specified in the notification.

2. *Power to exempt areas from the provisions of this Act.*—Notwithstanding anything contained in section 1, the Chief Commissioner may by notification exempt an area from any or all of the provisions of this Act, or direct that any provision of the Act shall apply to any area with such modifications as may be specified.

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

- (a) 'animal' means any domesticated animal or bird, or any animal or bird kept in confinement;
- (b) 'an infective animal' is one which is affected with a scheduled disease or has recently been in contact with or in close proximity to an animal so affected;
- (c) 'prescribed' means prescribed by regulations or rules made under this Act;
- (d) 'scheduled disease' means any disease for the time being included in the schedule in Appendix I.

4. *Scheduled Diseases.*—The diseases specified in the Schedule in Appendix I shall in the first instance be scheduled diseases for the purpose of this Act, but the Chief Commissioner may, by notification—

- (a) delete any entry from the Schedule, or
- (b) include in the Schedule any communicable disease of animals to which it is expedient in his opinion that the provisions of this Act should apply.

5. *Veterinary Surgeons.*—(1) The Chief Commissioner may either by name or designation appoint any person holding the office of Veterinary Assistant or Veterinary Assistant Surgeon, or any graduate of a recognised veterinary college who he thinks fit to be a Veterinary Surgeon for the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(2) A Veterinary Surgeon shall have all the powers of an Inspector under this Act, and may exercise such powers concurrently with his powers as Veterinary Surgeon.

6. *Inspectors.*—The Chief Commissioner may either by name or designation appoint any person he thinks fit to be an Inspector for any or all of the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties incidental to such purposes.

7. *Status of Veterinary Surgeons and Inspectors.*—Any person appointed under section 5 or section 6 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, (Act XIV 1860).

8. *Powers of Inspectors.*—An Inspector may, subject to any rules made in this behalf by the Chief Commissioner, enter and inspect any land or building or place or any vessel or vehicle, for the purpose of exercising the powers or performing the duties conferred and imposed on him by or under this Act.

CHAPTER II.—THE CONTROL OF DISEASE

9. *Powers to regulate inter-provincial trade and to control transport of animals and things which may spread diseases.*—(1) The Chief Commissioner for the purpose

of preventing the outbreak or spread of any scheduled disease, may, by notification prohibit or regulate in such manner and to such extent as he may think fit—

- (a) the bringing or taking into the State of Bilaspur or any specified place therein of any animals, alive or dead or of any parts of animals, or of any kind of fodder, bedding or other thing which may, in his opinion carry infection ;
- (b) the removal from any specified part of the State of Bilaspur of any such animals, parts of animals, or things.

(2) The Chief Commissioner may, by notification, specify the season or seasons during which and the route or routes by which animals may be imported into the State and no person shall import animals into the State otherwise than during the season and by the route so appointed.

(3) The Chief Commissioner may establish quarantine stations for the inspection and detention of such animals along the route appointed under sub-section (2).

(4) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination, if necessary, marking and issuing of a permit for the release of animals from the station shall be such as may be prescribed by the Chief Commissioner.

(5) The animals so detained shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep and for the payment of fee for their vaccination and marking as may be prescribed by the Chief Commissioner.

10. *Power to control the holding of markets, fairs, etc.*—The Chief Commissioner for the purpose of preventing the outbreak or spread of any scheduled disease, may, by notification, prohibit or regulate in such manner and to such extent as it may think fit, the holding of animal markets, animal fairs, animal exhibitions or other concentration of animal in any specific area.

11. *Power to control traffic in infective animals.*—The Chief Commissioner may by regulations prohibit or limit the sale of or other traffic in infective animals, or in the carcasses of animals which at the time of their death were infective or in any parts of such animals, or litter, feeding utensils or other things which may carry infection.

12. *Cleansing and disinfection of vessels and vehicles.*—(1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected periodically in such manner as the Chief Commissioner may by regulations prescribe.

(2) The Chief Commissioner may appoint places, where an Inspector may detain and inspect any such vessel or vehicle and, if it is not in a sanitary condition, the Inspector may require it to be cleansed and disinfected in the manner prescribed within such time as he may appoint.

(3) If such vessel or vehicle is not so cleansed and disinfected within the appointed time the Inspector may cause it to be cleansed and disinfected at the expense of its owner.

(4) This section shall not apply to the rolling stock of any railway or any aircraft.

13. *Duty of certain persons to report scheduled disease.*—Every owner or person in charge or every person bringing into the State of Bilaspur and every veterinary practitioner who has been called to treat, an animal which he has reason to believe to be infective shall forthwith report the fact to the Inspector exercising powers in the area.

14. *Power of Veterinary Surgeon to hold post-mortem.*—Subject to such rules as may be made in this behalf by the Chief Commissioner, the Veterinary Surgeon may make or cause to be made a post-mortem examination of any animal which at

the time of its death was infective, or is suspected to have been then infective, and for this purpose he may cause the carcass of any such animal to be exhumed.

15. *Power to isolate infective animals.*—(1) Where an Inspector has reason to believe that any animal is infective he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation and within such period as may be specified in the order :

Provided that where there is no person in charge of the animal, and the owner is unknown or the order cannot be communicated to him without undue delay or the person in charge of the animal refuses to do as ordered above the Inspector may seize the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report every order of seizure under this section to the Veterinary Surgeon.

16. *Examination by the Veterinary Surgeon.*—On receipt of a report under sub-section (2) of section 15 the Veterinary Surgeon shall examine the animals as soon as possible and may also examine all animals which it has been in contact with or in close proximity to, and for this purpose may submit any animal to any test, which the Chief Commissioner may by regulations prescribe in this behalf.

17. *Action after examination by the Veterinary Surgeon.*—(1) If, after such examination the Veterinary Surgeon is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who in his opinion is entitled to possession of it :

Provided that where such person cannot without undue inconvenience be found; the Inspector shall send the animal to the nearest cattle-pound, or deal with it in such other manner as the Chief Commissioner may by rules prescribe in this behalf.

(2) If after such examination, the Veterinary Surgeon certifies in writing that any animal is affected with a scheduled disease, the animal shall be dealt with in such other manner as the Chief Commissioner may by rules prescribe in this behalf.

(3) If, after such examination, the Veterinary Surgeon certifies that the animal is infective though not diseased, the animal shall be dealt with in such manner as the Chief Commissioner may, by rule, prescribe in this behalf.

18. *Compensation for animals destroyed.*—Compensation may be paid to the owner of an animal if destroyed under section 17, and such compensation shall be determined in accordance with rules to be made in this behalf by the Chief Commissioner :

Provided that—

- (i) no compensation shall be paid to any person convicted of any offence punishable under this Act, committed in respect of such animal ;
- (ii) no compensation shall be paid in respect of any animal which, when it was brought into the State of Bilaspur was affected with the disease on account of which it was destroyed.

19. *Power to require disinfection of infected premises, vessels or vehicles.*—(1) Subject to rules to be made in this behalf by the Chief Commissioner, the Veterinary Surgeon may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which there has been an infective animal to have such building, yard, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto be disinfected or destroyed in such a manner and to such extent as may be specified in the order.

(2) Subject as aforesaid, if such owner, occupier or person fails to comply with the requirements of such order within a reasonable time, the Inspector may cause such building, yard, vessel or vehicle to be disinfected, and the internal fittings and other things to be disinfected or destroyed at the expense of the owner.

20. *Declaration of private infected places.*—(1) If the Inspector has reason to believe that there is an infective animal in any field, yard or building in which animals are kept, temporarily or otherwise, he shall at once by order in writing, declare the place to be an infected place and shall deliver a copy of the order to the owner, occupier or person in charge of the place and report his action to the Veterinary Surgeon.

(2) This section shall not apply to any place owned by or under the control or management of any local authority or railway administration or to any airfield where animals are temporarily kept for sale, exhibition or in transit.

21. *Examination of infected place by Veterinary Surgeon.*—(1) The Veterinary Surgeon shall, as soon as possible, examine the infected place and the animals kept therein, and may cancel or confirm the order of the Inspector.

(2) If he confirms the order he may cause notice to be served on the owners, occupiers or persons in charge of all places in which animals are kept temporarily or otherwise, within a radius not exceeding one mile from the infected place, declaring such places to be infected places.

The Veterinary Surgeon shall forthwith report his action under this sub-section to the authority prescribed by the Chief Commissioner in this behalf.

22. *Declaration of public infected places.*—(1) Where the Veterinary Surgeon has reason to believe that infective animals are or have been in any place owned, controlled or managed by any local authority, or railway administration or aircraft company where animals are temporarily kept for purposes of sale, transit or exhibition, he may, by order in writing, declare such place to be an infected place.

(2) The Veterinary Surgeon shall cause a copy of such order, in the vernacular of the locality, to be exhibited prominently in the infected place, and he shall deliver copies at the office of the local authority or to the nearest station master of the railway administration, or to the officer-in-charge of the airfield as the case may be and shall also send a copy to the nearest police station; and he shall report his action forthwith to the authority prescribed by the Chief Commissioner in this behalf.

23. *Declaration of infected areas by the Chief Commissioner.*—(1) On receipt of the report of the Veterinary Surgeon under sub-section (2) of section 21 or under sub-section (2) of section 22 and after such further enquiry, if any as he may think fit, the Chief Commissioner

(a) may cancel any declaration made under sections 20, 21 or 22, or

(b) may confirm such declaration either with or without modifications.

(2) Where the Chief Commissioner cancels any declaration, the Inspector shall give notice of the cancellation to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

(3) Where the Chief Commissioner confirms such declaration either with or without modifications the Chief Commissioner shall, by notification defining the limits of the area to which the notification shall apply, declare such area to be an infected area.

(4) On the issue of such notification any place declared by the Inspector or Veterinary Surgeon to be an infected place and not included in the infected area so defined shall cease to be an infected place, and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(5) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the vernacular of the area, a copy of the notification under sub-section (3), and shall also cause to be so exhibited a copy of any subsequent notification adding to, amending, varying or rescinding such notification.

24. *Removal of animals and other things from infected areas or places.*—(1) No person shall remove from any infected area or place any animal, dead or alive, or

any part of an animal, or any fodder, bedding or other thing used in connection with animals, save in accordance with the conditions of a licence granted by the Inspector. 7

(2) Nothing in this section shall prevent the transit by railway through an infected area or place of any animal or thing :

Provided that where any animal or other thing described in sub-section (1) while in transit through an infected area or place is unloaded therein it shall not be removed therefrom save in accordance with sub-section (1).

25. *Power to return animals, etc. to infected areas.*—Where any animal or thing removed from an infected area or place otherwise than in accordance with a licence granted under section 24, any Inspector or police officer may require the owner or person in charge of such animal or thing to return it to such area or place, and if the owner or person in charge fails to do so within a reasonable time, may cause it to be returned at the expense of the owner without further delay :

Provided that nothing in this section shall affect the powers of an Inspector under section 15 to deal with infective animals.

26. *Time for complying with and enforcement of orders.*—Where by any notice requisition, or order under this Act or under any notification or rule issued thereunder any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such thing shall be done, as the case may be

27. *Recovery of expenses incurred under this Act.*—Where any action may be taken under this Chapter in respect of any property at the expense of the owner thereof, the officer taking such action may frame a certificate stating the amount of the expense incurred and the person from whom such amount is recoverable and any Magistrate to whom such certificate is presented may, after such inquiry as he may think fit, recover such amount as if it were a fine imposed by him on such person.

CHAPTER III—PENALTIES AND PROCEDURE

28. *Penalties for contraventions of Acts, Regulations and Rules.*—Whoever—

- (a) removes from any part of the State of Bilaspur any animal, alive or dead or any part of an animal or any fodder, bedding or other thing in contravention of a notification issued under section 9, or imports animals in contravention of sub-section (2) of that section ;
- (b) holds or promotes or takes part in any market, fair, exhibition or other concentration of animals in contravention of a notification issued under section 10 ;
- (c) sells or otherwise traffics in, or attempts to sell or traffic in, an infective animal, or in anything mentioned in section 11 which may carry infection, or the carcass of an animal which at the time of its death was infective in contravention of section 11 ;
- (d) being a common carrier fails to cleanse or disinfect any vessel or vehicle used for the transport of animals in such manner as may be required under sub-section (1) of section 12 or as may be required by the Inspector under sub-section (2) of that section ;
- (e) fails in contravention of section 13, to report that an animal is infective ;
- (f) fails to comply with an order made by an Inspector under sub-section (1) of section 15 ;
- (g) fails to comply with an order made by the Veterinary Surgeon under sub-section (1) of section 19 ;

(h) removes any animal or thing from any infected place in contravention of section 24 ;

shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees and, in the case of a second or subsequent conviction, to five hundred rupees.

29. *Penalty for keeping or grazing infective animal in unenclosed land.*—Whoever keeps or grazes in or on any forest, open field, roadside, or other unenclosed land to which other persons have a right to access for their animals, any animal which he knows to be infective shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

30. *Penalty for bringing infective animal to market.*—Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals any animals which he knows to be infective shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

31. *Penalty for placing carcass of infective animal in river.*—Whoever places or causes or permits to be placed, in any river, canal, or other water, the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend in the case of a first conviction to one hundred rupees or in the case of second or subsequent conviction to five hundred rupees or with both imprisonment and fine.

32. *Penalty for disinterring carcass of diseased animal.*—Whoever without lawful authority, disinters or causes to be disinterred the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective shall be punishable with fine which may extend in the case of first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees.

33. *Penalty for malicious and vexatious entry of seizure by Inspector.*—(1) Whoever being an inspector maliciously and vexatiously enters or inspects any land or building or other place or any vessel or vehicle or seizes or detains any animal, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of one month from the date on which the offence is alleged to have been committed.

34. *Arrest without order or warrant.*—Any police officer not below the rank of Sub-Inspector of Police may without an order from a magistrate and without a warrant arrest any person who has been concerned in an offence against sections 9, 10, 24 and 31 of this Act.

35. *Institution of proceedings.*—No prosecution under this Act except under section 33 shall be instituted except by or under the authority of the Veterinary Surgeon.

36. *Jurisdiction of magistrates.*—No magistrate shall try any offence under this Act unless he is a magistrate of the first class, or a magistrate of the second class specially empowered in this behalf by the Chief Commissioner.

37. *Bar of claim to compensation.*—Save as provided for in section 18 no person shall be entitled to any compensation in respect of the destruction of any animal and thing or in respect of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith.

38. *Power of the Chief Commissioner to make regulations and rules.*—(1) The Chief Commissioner may make rules consistent with this Act for all or any of the following purposes, namely:—

- (a) to define the powers of entry and inspection of an Inspector under section 8;
- (b) to prohibit or regulate the holding of markets, fairs, exhibitions or other concentrations of animals under section 10 ;
- (c) to appoint places for the disinfection of vessels or vehicles under sub-section (2) of section 12, and for the isolation or segregation of animals under section 15 ;
- (d) to regulate post-mortem examination of animals under section 14, and the disposal of animals under subsections (1), (2) and (3) of section 17 ;
- (e) to provide for the determination of the compensation payable under section 18 ;
- (f) to regulate the exercise of the powers of the Veterinary Surgeon and Inspector under section 19;
- (g) to prescribe the authority referred to in sub-section (2) of section 21 and subsection (2) of section 22 ;
- (h) to prescribe the form and contents of the licences to be granted by an Inspector under section 24 and the circumstances under which they may be granted ;
- (i) to prescribe scales of charges to be followed in certificates under section 27 for expenses incurred on behalf of an owner ;
- (j) to regulate the isolation, detention, treatment (including sterilization and inoculation) and disposal of animals which are infective or suspected of being infective, and the disposal of carcasses and parts of carcasses ;
- (k) to regulate the duties and powers of Inspectors and prescribe their qualifications ;
- (l) to prescribe the manner in which any report or notice under the Act shall be made or given ; or
- (m) to prohibit or regulate the entry into the State of Bilaspur or any specified part or place thereof, and the movement from one place to another, in the State of Bilaspur of animals, alive or dead, or parts of animals or fodder, bedding or other things ;
- (n) to prohibit or limit sale or traffic in infective animals or carcasses of infective animals ;
- (o) to regulate the disinfection of vessels or vehicles used by common carriers, the cleansing and disinfection of buildings, yards and other places used for animals, and the destruction of infected matter or things found therein or near thereto ;
- (p) to prescribe the tests to be applied to animals suspected of being infective
- (q) to prescribe the manner in which animals shall be destroyed, and the manner in which carcasses or parts of carcasses, fodder, bedding or other things seized under the Act shall be disposed of ; and
- (r) to prescribe the period of detention and the amount of fee for vaccination and marking at the inter-provincial quarantine stations.

(2) In making a rule under this section the Chief Commissioner may direct that a breach of it shall be punishable with fine which may extend in the Case of a first

conviction to one hundred rupees or in case of a second or subsequent conviction to five hundred rupees.

39. *Power to make regulations and rules subject to previous publication.*—(1) The power to make regulations and rules conferred by this Act is given subject to the condition of the regulations or rules being made after previous publication.

(2) All regulations and rules made by the Chief Commissioner under this Act shall be published in the official Gazette.

40. *Protection to persons acting under this Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

APPENDIX I

SCHEDULE OF DISEASES REFERRED TO IN SECTION 4 OF THE ANIMAL CONTAGIOUS DISEASES ACT, 1948.

<i>English names</i>	<i>Vernacular names</i>
1. Rinderpest or Cattle Plague.	1. Mata. Wah. Sitla. Mok, Zehmat.
2. Foot-and-Mouth Disease.	2. Rora. Mun-Khur.
3. Haemorrhagic Septicaemia.	3. Gal-Ghotu, Garhi.
4. Blackquarter.	4. Phar. Suja.
5. Anthrax.	5. Sat, Goli.
6. Tuberculosis.	6. Tap-i-Dik.
7. John's Disease.	7. Purana Dust.
8. Glanders and Farcy.	8. Bad Kanar.
9. Epizootic Lymphangitis.	9. Zeharbad.
10. Dourine.	10. Atshik-i-Aspan.
11. Rabies.	11. Halkapan, Bawlapan, Pagalpan.
12. Surra.	12. Phata, Tebersa, or Sokra.

[No. 154-J]

New Delhi, the 25th July, 1951

S.R.O. 1167.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Kutch the East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949 (East Punjab Act IV of 1949), as at present in force in the State of Punjab, subject to the following modifications, namely :—

Modifications

(1) Throughout the Act except in section 11—

for the words "State Government" wherever they occur the words "Chief Commissioner, Kutch" shall be substituted.

(2) In sub-section (2) of section 1—

for the words "State of Punjab" the words "State of Kutch" shall be substituted.

(3) In sub-section (1) of section 8—

for the words "patwari or lambardar", the words "Lhru or Revenue or Police Patel or Revenue Havaladar or Village Police" shall be substituted.

(4) In sub-section (2) of section 8—

for the words "Director of Agriculture," the words "Agriculture Officer" shall be substituted.

(5) In sub-section (1) of section 11—

for the words "State Government or any Officer of the State Government" the words "Chief Commissioner or any of his subordinates" shall be substituted

ANNEXURE

The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949 (East Punjab Act IV of 1949), as amended by Punjab Act II of 1951 and as modified by this notification.

An Act to provide for the prevention of the introduction, spread or reappearance of pests, plant diseases and noxious weeds injurious to crops, plants or trees in the Province of East Punjab.

It is hereby enacted as follows.—

PART I.—PRELIMINARY

1. *Short title and extent*—(1) This Act may be called the East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949.

(2) It extends to the whole of the State of Kutch.

2. In this Act unless there is anything repugnant in the subject or context.—

(1) "Pest" means any insect vertebrate or invertebrate animal declared to be pest by notification under Section 3;

(2) "Inspector" means an inspector appointed under section 10;

(3) "Notified Area" means any area specified in the notification issued under section 3 in which a declaration made under the said section shall remain in force;

(4) "noxious weed" means any weed declared to be a noxious weed by notification under section 3;

(5) "occupier" means the person having for the time being the right or occupation of any land or premises or his authorised agent or any person in actual occupation of the land or premises and includes a local authority having such right of occupation or in such actual occupation;

(6) "plant" includes all agricultural or horticultural crops, trees, bushes or herbs, or the seed, fruit or any other part thereof which is used for food of man or beast or for any purpose in connection with art or manufacture;

(7) "plant disease" means any fungoid, bacterial virus, parasitical or other disease declared to be a plant disease by notification under section 3;

(8) "proscribed" means proscribed by rules made under this Act.

PART II.—INSECT PESTS, PLANT DISEASES AND NOXIOUS WEEDS

3. *Power to declare insect pests, plant diseases and noxious weeds and direct measures to eradicate or prevent them.*—Whenever it appears to the Chief Commissioner that any insect vertebrate or invertebrate animal, disease or weed is injurious to plants in any local area and that it is necessary to take measures to eradicate such insect vertebrate or invertebrate animal, disease or weed, or to prevent its

introduction, spread or reappearance, the Provincial Government may by notification in the official Gazette,—

- (i) declare that such insect, vertebrate or invertebrate animal to be a pest or such disease or weed to be a plant disease or noxious weed respectively.
- (ii) specify the local area within which and the period during which such declaration shall remain in force.
- (iii) prohibit or restrict the movement or removal of any plant, earth, soil manure or other thing from one place to another.
- (iv) direct the carrying out of such preventive or remedial measures, including the destruction of any pest, plant disease or noxious weed or any plants as the Chief Commissioner may deem necessary, in order to eradicate such pest, disease or weed, or to prevent its introduction, spread or reappearance; and
- (v) prescribe the period within which it shall not be lawful to plant with a specified crop the whole or any portion of the notified area.

4. *Duties of occupier on the issue of a notification under section 3.*—(1) On the issue of a notification under section 3, every occupier within the notified area shall be bound to carry out the preventive or remedial measures mentioned in such notification.

(2) Notwithstanding anything contained in this Act, in the event of any area being invaded, or in danger of an invasion, by locusts, the Collector of the district or other officer authorised by him in this behalf may call upon any male person now below the age of 14 years resident in the district to render all possible assistance in carrying out preventive or remedial measures and in the destruction of locusts :

Provided as follows :—

- (i) no person who is by virtue of old age or any physical disability incapable of rendering assistance or who lives at a distance of more than five miles from the place where his presence is required, shall be called upon to render any such assistance ;
- (ii) it shall not be necessary to notify every person individually for his services, and a proclamation by beat of drum or other customary mode in the village or locality shall be deemed sufficient notice to all affected persons residing in that village or locality.

(3) Any person who fails to render the assistance required of him under subsection (2) shall, on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees or in default to simple imprisonment for a period not exceeding ten days, and the offence shall be tried summarily as provided in section 26C of the Code of Criminal Procedure, 1898.

5. *Power of Inspector to enter upon any land or premises.*—Any Inspector may after giving the prescribed notice, enter upon any land or premises, situated in the notified area within his local jurisdiction for the purpose of ascertaining—

- (i) whether there is any pest, plant disease or noxious weed on such land or premises ; and
- (ii) whether the preventive or remedial measures or both, as the case may require, mentioned in the notification issued under section 3 have been carried out.

6. *Notice to occupier to carry out preventive or remedial measures.*—(1) If on the inspection of any land or premises under section 5, the Inspector finds that

there is any insect pest, plant disease or noxious weed on such land or premises and that the preventive or remedial measures mentioned in the notification issued under section 3 have not been carried out, the Inspector may, subject to any general or special orders of the provincial Government, call upon the occupier of such land or premises, by notice in writing, to carry out such preventive or remedial measures within the time specified in such notice.

(2) Within seven days from the date of the service upon him of the notice under sub-section (1), the occupier may prefer an appeal to the Collector or to such other officer as the Chief Commissioner may appoint.

(3) On receipt of the appeal under sub-section (2) the Collector or other officer, as the case may be, may extend the time specified in the notice under sub-section (1) and shall, after giving the occupier an opportunity of being heard pass such order on the appeal as he thinks fit.

(4) An order passed under subsection (3) of this section shall be final and conclusive and shall not be liable to be called in question in any court.

7. *Failure to comply with notice under section 6 and power of Inspector to carry out measures.*—(1) If any occupier upon whom a notice has been served under sub-section (1) of section 6 does not comply with such notice within the time specified therein, or if an appeal has been preferred under sub-section (2) of section 6, does not comply with the order passed on such appeal within the time specified in such order, the Inspector may carry out at the expense of the occupier the preventive or remedial measures mentioned in such notice or order.

(2) The costs of any preventive or remedial measures carried out under sub-section (1) shall be payable by the occupier and shall be recoverable from him as arrears of land revenue.

(3) Any such occupier may, within thirty days from the date of the first demand of such costs from him, prefer an appeal to the Collector or to such other officer as the Chief Commissioner may appoint in this behalf on the ground that

(i) the costs include charges for items other than the cost of labour, material or use of implements; or

(ii) the charges for labour or material or use of implements are unreasonably high.

(4) On receipt of the appeal under sub-section (3), the Collector, or other officer appointed by the Chief Commissioner, shall, after giving the occupier an opportunity of being heard, pass such order thereon as he thinks fit.

(5) An order passed under sub-section (4) shall be final and conclusive and shall not be liable to be called in question in any court.

8. *Duty of certain village officers to report appearance of insect pest, plant diseases or noxious weeds.*—(1) If any pest, plant disease or noxious weed appears in any village adjoining a notified area, the Dhru or Revenue or Police Patel or Revenue Havaldar or village Police of such village shall forthwith report the fact to such officer as the Provincial Government may appoint in this behalf.

(2) The officer aforesaid shall, on receipt of such report and after making such further inquiry as he may deem necessary, forward it to the Chief Commissioner through the Agriculture Officer with his remarks thereon.

9. *Offences and Penalties.*—(1) Whoever removes any plant, earth, soil manure or other thing in contravention of the directions contained in a notification issued under section 3 shall on conviction by a magistrate be punishable with fine which may extend to Rs. 50 or in default to simple imprisonment for a period not exceeding ten days.

(2) Any occupier who fails to comply with a notice given under sub-section (1) of section 6 or with any order passed on appeal under sub-section (3) of section 6

shall, on conviction by a Magistrate, be punishable with fine which may extend to Rs. 50 or in default to simple imprisonment for a period not exceeding ten days.

(3) Whoever, having once been convicted of an offence under sub-section (1) or (2) of this section, is again convicted of an offence under either of these sections, shall be punishable with fine which may extend to Rs. 250/- or in default to simple imprisonment not exceeding one month.

PART III.—GENERAL

10. *Appointment of Inspectors.*—The Chief Commissioner may, by notification in the official Gazette, appoint persons as Inspectors for such local areas as may be specified in the notification.

11. *Bar of suits or other legal proceedings.*—(1) No suit, prosecution or legal proceedings shall lie against the Chief Commissioner or any of his subordinates in respect of any thing in good faith done or intended to be done under this Act, or for any damage to property caused by any action taken in good faith in carrying out the provisions of this Act.

(2) No prosecution under this Act shall be commenced without the previous sanction of the Collector or other officer authorised by the Government in this behalf nor after three months from the date of the commission of the alleged offence.

12. *Delegation of powers.*—The powers conferred on the Chief Commissioner under this Act may, with the exception of the powers under section 13, be delegated by the Chief Commissioner to any officer.

13. *Rules.*—(1) The Chief Commissioner may, from time to time, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may be made for all or any of the following purposes :—

- (a) the form or manner of giving notice under section 5 ;
- (b) the manner of making an inquiry under section 5 ;
- (c) the method of publication of description of pests, plant diseases, noxious weeds and the treatment to be followed ;
- (d) the qualifications required of the Inspectors ;
- (e) prescribing the officers to whom an appeal may be made and procedure to be followed in such appeal ;
- (f) prescribing the notices and methods of services thereof, and registers needed for the effective working of the Act ; and
- (g) generally to carry out the purposes of this Act.

(3) The rules made under this section shall be subject to the condition of being made after previous publication.

[No. 163-J]

A. N. SACHDEV, Under Secy.

MINISTRY OF FINANCE REVENUE (DIVISION)

HEADQUARTERS ESTABLISHMENT

New Delhi, the 26th July 1951

S.R.O. 1168—The following notification by the Income-tax Investigation Commission is published for general information :—

“NOTIFICATION

It is notified for general information that consequent on his transfer from Belgaum to Bijapur, with effect from 2nd July, 1951, the designation and headquarters address of Mr. V. R. Hiremath, who was appointed as Authorised Official

at Belgaum under Section 6 of the Taxation on Income (Investigation Commission Act, 1947, *vide* Ministry of Finance (Revenue Division's) Notification No. 47.—Headquarters Establishments dated the 27th August 1949, have become respectively 'Income-tax Officer, Bijapur' and 'Income-tax Office, Bijapur.'

H. S. RAMASWAMI,

Secretary,

Income-tax Investigation Commission

[No. 35]

A. V. VENKATESWARAN, Dy. Sec

STAMPS

New Delhi, the 30th July 1951

S.R.O. 1169—In exercise of the powers conferred by clause (a) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits retrospectively the stamp duty charged on the lease deed dated the 12th December 1950, in respect of the house property, Sheikhpura House, I, Purana Qila Road, New Delhi, executed in favour of the Chinese Embassy in India.

[No. 7.]

W. SALDANHA, Under Secy

CUSTOMS

New Delhi, the 31st July 1951

S.R.O. 1170.—In exercise of the powers conferred by section 23 of the Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 10-Customs, dated the 19th March, 1949, namely :—

In the said notification for the words "Cork Wood" the words "Cork, unmanufactured and granulated cork" shall be substituted and the words "the Provinces of" shall be omitted.

[No. 64.]

CENTRAL EXCISES

New Delhi, the 4th August 1951

S.R.O. 1171.—In exercise of the powers conferred by rule 12 of the Central Excise Rules, 1944, the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 10-Central Excises, dated the 5th April 1949, namely :—

In the said notification, in clause (v) of the proviso—

For the words "two" and "three", the words "four" and "five" respectively shall be substituted.

[No. 25.]

D. P. ANAND, Deputy Secy

MINISTRY OF FINANCE (COMMUNICATIONS)*New Delhi, the 28th July 1951*

S.R.O.1172.—The following further amendments shall be made in the Rules for the guidance of depositors in Post Office Savings Banks, namely:—

In the said Rules—

(1) For the heading to rule 45-A of the said Rules, the following heading shall be substituted, namely:—

“SCHOOL EMPLOYEES PROVIDENT FUND ACCOUNTS”

(2) In rule 45-A—

(a) For clause (a) and Notes 1 and 2 thereunder, the following clause and notes shall be substituted, namely:—

“(a) Where a Provident Fund is established by a State Government for employees of Educational Institutions in non-pensionable service and staff of similar service employed in the Offices of district educational councils in the State, the control of the Fund is vested in the State Government or the officer to whom such power may be delegated. The Officer will manage the Fund and arrange for its deposit in the local post office savings bank. Individual accounts will be opened by the post office for every subscriber to the Fund. The deposits in such accounts will comprise contributions made by the subscribers as well as by the management of the Educational Institutions (or Educational Councils) where they are employed. The pass books shall remain in the custody and control of the managers of the Educational Institutions (or any other Officer or Officers of Educational Institutions or Educational Councils to whom this power may be delegated by the Officer authorised by the State Government)”.

“NOTE 1.—A subscriber for whom a Provident Fund account has been opened will not be debarred from opening an ordinary private account in his own name or in the joint names of himself and another person”.

“NOTE 2.—Two separate accounts may be opened in the name of a teacher, who works in two Educational Institutions and is entitled to the benefits of the Provident Funds of both the institutions.”

(b) In clause (c), in Notes 1, 2, 3 and 4 under clause (c) and clause (f), for the words ‘Provincial Government or Administration, wherever they occur, the words ‘State Government’ shall be substituted.

(c) In Note 1 below clause (c), for the word ‘school’ wherever it occurs, the words ‘Educational Institutions or Educational Councils’ shall be substituted.

(d) In note 2 below clause (c), after the word ‘manager’, the words “of the Educational Institution or any other Officer of the Educational Institution or of the Educational Council” shall be inserted.

(e) In Note 2 below clause (c) and in clause (d), for the word ‘Teacher’ the word ‘subscriber’ shall be substituted.

(f) In Note 4 below clause (c), for the words ‘teacher depositor’, the word ‘subscriber’ shall be substituted.

[No. D-5338-(11/51.)]

R. NARAYANASWAMI, Jt. Secy

CENTRAL BOARD OF REVENUE**INCOME TAX***New Delhi, the 26th July 1951*

SRO 1173—In pursuance of sub section (4) of section 5 of the Indian Income tax Act 1922 (XI of 1922) and in partial modification of its notification No 32 Income tax dated the 9th November 1946 the Central Board of Revenue directs that the Appellate Assistant Commissioner of Income tax Poona Range shall also and the Appellate Assistant Commissioner of Income tax Surat Range shall not perform his functions in respect of the persons specified in column 2 of the Schedule hereto annexed for the appeals mentioned in the corresponding entry in column 3 thereof —

SCHEDULE

Serial No	Name and address of the Assessee	Assessment year
1	2	3
1.	Mr Mahavir Chuni Kalyan	1944-4
2.	Do	1945-46
3.	Do	1946-47
4.	Do	1947-48
5.	Do	1948-49
6.	Do	1949-50
7.	Do	1950-51
8.	Mr Shyam Bihari Shuman Kalyan	1950-51
9.	Mr Bhogilal Tribhuvanlal Kalyan	1950-51
10.	Messrs Chimalal and Co. Jhansi	1950-51
11.	Messrs Star Restaurant Prop Mr K K Mowuddin Tahir	1950-51
12.	Messrs. Islami Hotel Thana	1950-51
13.	Laxmidas Bhagwanlal Prop Mr Balarund Dhanj Kalyan.	1950-51

[No 731]

S P LAHIRI Secy.

MINISTRY OF COMMERCE AND INDUSTRY*Bombay, the 17th July 1951*

SRO 1174—In exercise of the powers conferred on me by clause 3 (1) of the Cotton Control Order 1950 I hereby direct that the following further amendment shall be made in the Textile Commissioner's notification No 1 (57)Tex 250 dated the 21st August 1950 namely —

In paragraph 4 of the said notification for item (d) the following item shall be substituted, namely —

- (d) " Punjab American ' means cotton recognised as such and grown in the States of Madras, the Punjab and Patiala and East Punjab States Union and in the Bikaner Division of Rajasthan Punjab American 216F grown in the Karnal and Hissar Districts of the Punjab and in the Madras State will be included in Punjab American 289F but will be excluded provided it has a minimum staple length of 7.8 and complies with the proviso given at the end of this paragraph ' "

[No 1(57) Tex -2/50]

Bombay, the 21st July 1951

S.R.O. 1175.—In pursuance of sub-clause (i) of Clause 3 of the Cotton Textiles (Transmission by Post) Prohibition Order, 1951, I hereby direct that the following further amendment shall be made in the General Permission dated the 19th May, 1951, contained in the Textile Commissioner's Notification No. S.R.O. 756 dated the 19th May, 1951, namely:—

In paragraph 3 of the said General Permission, after item No. (xii) the following shall be added, namely:—

“(xiii) Handloom cloth delivered for transmission at any post office in Manipur State.”

[No. TCS-IV/TP/3.]

Bombay, the 26th July 1951

S.R.O. 1176.—In exercise of the powers conferred on me by clause 20 of the Cotton Textiles (Control) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. TCS I/20 dated the 22nd September 1949, namely:—

In the said notification, for paragraph 7, the following paragraph shall be substituted, namely:—

“7(1) Of all looms of reed space between 48 inches and 58 inches (both inclusive) installed in his undertakings, a producer shall employ a minimum of 50% for the production of dhoties and sarces, that is to say, no producer may use any such looms for the production of any variety of cloth other than dhoties and sarees unless he is actually using at least 50% of all such looms for the production of dhoties and sarees.

(2) No producer shall for the production of dhoties employ less than 30% of the total number of looms of reed space between 48 inches and 58 inches (both inclusive) installed in his undertakings, that is to say, of all looms of the said reed space installed in his undertakings, at least 30% shall be used for the production of dhoties only.

Explanation.—For the purpose of this direction, bleached, dyed or printed mulls or voiles in fine or superfine qualities will be considered as sarees.”

[No. 9(9)-Tex. 1 49(i).]

T. SWAMINATHAN, TEXTILE COMM..

S. A. TECKCHANDANI, Under Secy.

COFFEE CONTROL*New Delhi, the 24th July 1951*

S.R.O. 1177.—In exercise of the powers conferred by sub-section (2) of Section 4 of the Coffee Market Expansion Act, 1942 (VII of 1942), and in partial modification of the notification of the Government of India in the late Ministry of Industry and Supply No. 13(1)-I(6), 10, dated the 12th June, 1950, the Central Government hereby nominate Mr. K. R. Damle, I.C.S., Joint Secretary to the Government of India, Ministry of Food and Agriculture, and *ex-officio* Joint Vice-President of the Indian Council of Agricultural Research, as a member of the Indian Coffee Board *vice* Sardar Datar Singh, *resigned*.

[No. 13(2)-Plant 50.]

CENTRAL TEA BOARD

New Delhi, the 31st July 1951

S.R.O. 1178.—In exercise of the powers conferred by clause (ii) (b) of sub-section (3) read with sub-section (5) of section 4 of the Central Tea Board Act, 1949, the Central Government hereby notifies that the Government of Tripura have nominated Major A. B. Chatterjee, Chief Commissioner, Tripura as member of the Central Tea Board *vice* Mr. K. K. Hajara, I.C.S. resigned.

2. Major A. B. Chatterjee shall hold office for a term of three years with effect from the date of this notification.

[No. 306(1)-Plant(Tea)/51.]

M. R. A. BAIG, Dy. Secy.

New Delhi, the 30th July 1951

S.R.O. 1179.—In exercise of the powers conferred by sub-section (1) of section 16 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby authorises all Inspectors of Police, in the State of Ajmer to exercise the powers specified in clauses (a) and (b) of the said sub-section.

[No. PC-2(14)/50.]

P. S. SUNDARAM, Under Secy.

New Delhi, the 1st August 1951

S. R. O. 1180—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950) the Central Government hereby directs that the following amendments shall be made in the notification of the Government of India in the late Ministry of Industry and Supply No. S. R. O. 500 dated the 2nd September, 1950, namely :—

In the schedule to the said notification the word "Horlicks" shall be omitted and the following entries shall be added at the end, namely :—

Horlicks 1 lb.	Rs. 3-10-0 per bottle.
Horlicks ½ lb	Rs. 2-0-0 per bottle.
Horlicks 5 lbs.	Rs. 16-13-0 per bottle.

[No. PC-4(1)/50.]

S. K. DATTA, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 27th July 1951

S. R. O. 1181.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that no order made or deemed to be made under the said Act or under any corresponding law in force in a Part B State shall have effect so as to prohibit or restrict the movement of edible oilseeds and edible oils from any place in a State to any other place within or outside the State or so as to regulate or control the price, production, movement or distribution thereof in any manner whatsoever.

[No. F. 16-11/51-EP.]

VISHNU SAHAY, Secy.

New Delhi, the 4th August, 1951

S.R.O.1182.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that with immediate effect the following further amendment shall be made in the Notification of the Government of India in the Ministry of Food and Agriculture No. S. R. O. 464 dated the 30th March, 1951, namely :—

In the Schedule to the said notification the words Uttar Pradesh in column I and figure 12 occurring against it in column 2 shall be deleted.

[No. Py 620 (86)/I/51.]

S.R.O.1183.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that with immediate effect the following further amendment shall be made in the Notification of the Government of India in the Ministry of Food and Agriculture No. S. R. O. 657 dated the 8th May, 1951, namely :—

In the Schedule to the said Notification, the words Uttar Pradesh occurring in Column 1 and the figures of 14 and 15 occurring against it in columns 2 and 3 shall be deleted.

[No. PY 620 (86)/II/51]

P. A. Gopale Krishnan, Jt. Secy.

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 25th July 1951

S.R.O.1184.—In exercise of the powers conferred by Section 10 of the Indian Wireless Telegraphy Act, 1933 (XVII of 1933), the Central Government hereby directs that the following further amendment shall be made in the Indian Wireless Telegraphy (Possession) Rules, 1933, namely :—

To sub-rule (1) of rule 11 of the said Rules the following Explanation shall be added, namely :—

Explanation.—The provisions of this rule shall not be deemed to be contravened if the Wireless Telegraphy apparatus is kept

- (a) in the premises of a dealer who holds a dealer's license, for the purpose of repairs; or
- (b) in the premises of any other person who holds a valid license for the possession of such apparatus.

[No. T-2/133/50.]

K. V. VENKATACHALAM, Dy. Secy.

New Delhi, the 28th July 1951

S.R.O.1185.—The following draft of a further amendment to the Indian Aircraft Rules, 1937 which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), is published as required by section 14 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 30th October, 1951. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In the said Rules, for sub rules (1A) and (2) of rule 1 the following shall be substituted, namely —

“(2) They extend to the whole of India and apply also (unless the contrary intention appears)—

(a) to, and to persons on, aircraft registered in India wherever they may be

(b) to, and to persons on, all aircraft for the time being in or over India

Provided that in the case of aircraft registered in a country other than India the regulations of that country relating to registration, licensing of personnel, airworthiness and log books shall apply in place of the provisions contained in Parts IV V VI and IX of these Rules

Provided further that the foregoing proviso shall not apply to aircraft registered in any country whose regulations are not based on standards at least equal to the minimum standards established from time to time under the Convention on International Civil Aviation opened for signature at Chicago on the 7th December, 1944’

[No 10 A 30 19]

P K ROY, Dy Secy

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi the 24th July 1951

S R O 1183—In exercise of the powers conferred by section 821 of the Indian Railways Act, 1890 (IX of 1899), the Central Government hereby directs that the following amendment shall be made in the Railways Accident (Compensation) Rules 1950, namely —

(1) After rule 27 the following rules shall be inserted namely —

“28 *Record*—The record of claims cases disposed of by the Claims Commissioner shall be deposited with the ex Officio Claims Commissioner of the Area concerned for a period of 5 years

(2) The existing rule 28 shall be renumbered as rule 29

[No 893 E4]

S K GUHA Director.

New Delhi, the 30th July 1951

CORRIGENDUM

S R O 1187—In the Notification of the Government of India in the Ministry of Railways (Railway Board) No S R O 459 published at pages 519–520 of the

Gazette of India, Part II, Section 3, dated the 31st March 1951, at the end of sub-rule (1) of Rule 8:—

- (i) *Delete* full stop, and
- (ii) *add* the following :—

‘ if he is an intensive or a continuous worker and 24 consecutive hours if he is an essentially intermittent worker.’

[No. E(ADJ) 50/3.]

HAVELI RAM, Secy.

MINISTRY OF WORKS, PRODUCTION & SUPPLY

CENTRAL BOILERS BOARD

New Delhi, the 27th July, 1951

S.R.O.1188.—The following draft of amendments to the Indian Boiler Regulations, 1950, which the Central Boilers Board propose to make in exercise of the power conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), is published as required by sub-section (1) of section 31 of the said Act, for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 31st August 1951,

Any objections or suggestions which may be received from any person with respect to the said draft before the date specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Works, Production and Supply, North Block, New Delhi.

Draft Amendments

In regulation 107 of the said Regulations—for clauses (a) and (b) the following clauses shall be substituted, namely :—

“(a) Except as provided for in Chapter V and in regulation 107(d) and 112, where longitudinal seams are welded, the weld shall be entirely covered by a butt strap or straps securely riveted to shell”.

“(b) For small steam domes not exceeding 15” diameter when the welding is done by hammer and the plates do not exceed $\frac{1}{2}$ ” thickness, butt straps may be omitted”;

and after clause (c) the following clause shall be added at the end, namely :—

“(d) As an alternative to riveting, Shell boilers not exceeding 4’-6” in diameter and the maximum working pressure of 120 lb. per sq. in. may be fabricated by fusion welding provided the longitudinal, circumferential and end seams comply with conditions laid down in Regulations 247 to 269.

The working pressure of such shells shall comply with regulation 176 where $X=100$ and $C=2.75$.”

[No. M/BL-304(12).]

S.R.O. 1189.—The following draft of a further amendment to the Explosives Rules, 1940, which it is . . . in exercise of the powers conferred by Sections 5 and 7 of the . . . Act, 1884 (IV of 1884), is published as required by Section 18 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th August, 1951.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In sub-rule (2) of rule 85 of the said Rules for the second proviso the following proviso shall be substituted, namely :—

“ Provided further that in the case of a merged territory every licence in force on the 7th May, 1951 or in the case of a Part B State every licence in force on the 30th June, 1951, other than a licence for the import of explosives, shall continue to remain in force until the 31st March, 1952.”

[No. M-128(9)/51.]

New Delhi, the 31st July 1951

S.R.O. 1190.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board directs that the following amendments shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

(1) The proviso to regulation 7 shall be omitted.

(2) Regulation 8 shall be relettered as clause (a) of that regulation, and to clause (a) so relettered, the following clause shall be added, namely :—

“(b) Notwithstanding anything contained in Regulation 7 hollow forged or fusion welded drums and shells shall be constructed under the supervision of an Inspecting Authority and shall not be accepted unless the certificates required under Regulation 4 are submitted.”

(3) After clause (b) of regulation 121, the following clause shall be inserted, namely :—

“(c) As an alternative to riveting furnaces, furnace crowns uptakes and other plates not in tension may be jointed by fusion welding provided the conditions laid down in Regulations 122 to 129 are complied with. The end connections of such plates to the shell or shell crown shall also comply with such conditions. This construction shall not apply to furnaces of Lancashire and Cornish type boilers consisting wholly of plain sections”.

[No. M/BL-304(12).]

N. P. DUBE, Secy.

MINISTRY OF LABOUR

New Delhi, the 31st July 1951

SRO. 1191.—The following draft of a further amendment to the Indian Metalliferous Miens Regulations, 1926, which it is proposed to make in exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923) is published, as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 1st November 1951.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

For sub-regulation (2) or regulation 1 of the said Regulations, the following sub-regulation shall be substituted, namely :—

“(2) They extend to the whole of India except the State of Mysore and Jammu and Kashmir.”

[No. M. 41 (21)/51.]

S.R.O. 1192.—The following draft of certain proposals relating to minimum rates of wages payable to the classes of employees specified in the Schedule annexed hereto and employed in the Port of Calcutta which it is proposed to fix in pursuance of clause (a) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 of the Minimum Wages Act, 1948 (XI of 1948) is published as required by sub-clause (b) of sub-section (1) of section 5 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 15th October 1951.

Any objection or suggestion which may be received from any person with respect to the draft before the date specified will be considered by the Central Government.

SCHEDULE

Calcutta Port Trust

Serial No.	Class of employees	Proposed minimum	
		monthly basic rates	Scale of pay
		Rs.	Rs.
<i>Secretary's Department</i>			
1	Assistants	100	100—10—200
2	Telephone Operator	70	70—10—140
3	Typist	60	60—4—100—5—115
<i>Medical Department</i>			
4	Junior Nurse	80	80—5—150
5	Senior Nurse	200	200
6	Compounder Dresser Grade I	60	60—3—90—6—150
7	Compounder Dresser Grade II	50	50—5—90
8	X-Ray Technician	75	75—5—115
9	Laboratory Assistant	60	60—3—90—6—150
<i>Welfare Office</i>			
10	Typist	60	60—4—100—5—115
11	Comptometer Operator	75	75—5—100—8—180
<i>Health Office</i>			
12	Typist	60	60—4—100—5—115
<i>Transport Section</i>			
13	Typist and 2nd Clerk	60	60—4—100—5—115
14	Storekeeper	60	60—3—90—6—150
15	Electrician	90	90—5—115
<i>Land Department</i>			
16	Clerk	100	100—10—200

Serial No	Class of employees	Proposed minimum	
		monthly basic rate	scale of pay
Accounts Department		Rs	Rs
17	Clerk Grade I	90	90—100—8—180
18	Clerk Grade II	60	60—4—96—8—120
19	Typist	60	60—4—100—5—115
20	Comptometer Operator cum Typist	75	75—5—100—8—180
21	Senior Cash Clerk & Cheque Writer	100	100—8—180
22	Stock Verifier	150	150—10—200
Engineering Department			
23	Clerk Grade I	150	150—10—200
24	Typist	60	60—4—100—5—115
25	Comptometer Operator	75	75—5—100—8—180
26	Timekeeper and Store Clerk	100	100—8—180
27	Clerk Grade II	90	90—6—120
28	Assistant Record Clerk	120	120—5—150
Traffic Department			
29	Typist	60	60—4—100—5—115
30	Clerk	44	44—10—200
31	Cashier	100	100—8—180
32	Comptometer Operator	75	75—5—100—8—180
33	Clerk on Extension Grade	150	150—8—180
Deputy Conservator's Department			
34	Clerk	150	150—10—200
35	Typist	60	60—4—100—5—115
Stores			
36	Clerk	150	150—10—200
37	Assistant Store Keeper 2nd Clerk	100	100—8—180
38	Typist	60	60—4—100—5—115
Chief Mechanical Engineer's Department			
39	Clerk	140	140—8—180
40	Typist	60	60—4—100—5—115
Secretaries Department			
41	Meeting Clerk	150	150—15—200
42	Assistant Meeting Clerk	150	150—10—280
43	Head Record Clerk	115	115—15—280
44	Head Clerk	230	230—10—280
45	Head Clerk (Establishment)	150	150—10—280
46	Personal Assistant to Chairman	300	300—25—400
47	Senior Stenotypist	230	230—25—280
48	Stenographer	180	180—10—230
49	Junior Stenotypist	180	180—10—230
Medical Department			
50	Resident Theatric Sister	250	250—5—350
51	Staff Nurse	250	250—5—350
52	Nurse	150	150—5—250
Welfare Office			
53	Stenographer	180	180—10—230
Health Office			
54	Inoculation Officer	150	150—10—250

Serial No	Class of employees	Proposed minimum	
		Monthly basic pay	Scale of pay
Law Department		Rs.	Rs.
55	Law Assistant	150	150—10—250
Accounts Department			
56	Clerk Grade I	250	250—20—350
57	Clerk Grade II	230	230—25—280
58	Clerk Grade III	230	230—10—280
59	Clerk Grade IV	200	200—10—250
60	Clerk Grade V	180	180—10—230
61	Stenotypist	180	180—10—230
62	Assistant Treasurer	200	200—10—300
Engineering Department			
63	Clerk Grade I	200	200—10—250
64	Clerk Grade II	180	180—10—230
65	Stenographer	180	180—10—230
66	Record Clerk	180	180—10—230
Traffic Department			
67	Clerk Grade I	230	230—10—280
68	Clerk Grade II	200	200—10—250
69	Gate Warden and Clerk	180	180—10—230
70	Senior Stenotypist	230	230—25—280
71	Stenotypist	180	180—10—230
72	Siding Supervisor	150	150—10—250
Deputy Conservator's Office			
73	Stenotypist	180	180—10—230
74	Personal Assistant to Harbour Master	250	250—10—300
Stores Department			
75	Claring Assistant	150	150—10—250
76	Clerk	180	180—10—230
77	Stenographer	180	180—10—230
Port Pilotage Officer's Department			
78	Clerk	180	180—10—230
79	Junior Stenotypist	100	100—10—150—25—200—230

The Cost of Living Allowance will be admissible at the following rates adjusted at such intervals and in such manner as the Central Government may direct

Upto Rs. 50	Rs. 40 Cost of Living Allowance
Rs. 51—100	Rs. 50 Cost of Living Allowance
Rs. 101—150	Rs. 55 Cost of Living Allowance
Rs. 151—200	Rs. 60 Cost of Living Allowance
Rs. 201—300	Rs. 65 Cost of Living Allowance

[LWI 24(74)]

P. N. SHARMA Under Secy

New Delhi, the 28th July 1951

S.R.O.1193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (XIV of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal Dhanbad in the matter of complaints under Section 33A of the said Act.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

PRESENT:

Shri S. P. Varma, Barrister-at-Law, *Chairman*

PARTIES:

The Free India General Insurance Co. Ltd., Kanpur.

AND

Their Workmen.

Application under Section 33A of the Industrial Disputes (Amendment) Act 1950, in Reference Nos. 1 and 2 of 1951.

AWARD

This case supposed to be under Section 33 and 33A of the Industrial Disputes Act, 1947 arises out of Reference Nos. 1 and 2 of 1951 of this Tribunal. A letter was received from the Secretary, U.P. Insurance Employees' Association, Kanpur, dated 21st March 1951 along with two letters one from Shri P.K. Raha and the other from Shri V. Saldanha. The case was taken up on 2nd July 1951 in which the Free India General Insurance Co. Ltd. was represented by Shri P.N. Gupta, Establishment Superintendent, Shri P. K. Raha appeared personally but Shri V. Saldanha did not appear nor did any body appear on behalf of the Union to represent his case. Shri V. Saldanha and the Union contented themselves by submitting a written argument.

2. I shall take up the case of Shri V. Saldanha first. He says that he was an employee of the Free India General Insurance Co. Ltd. Kanpur, from 18th April 1947 upto the 11th of July 1949, on which date he resigned and there was a dispute between the company and the employees in 1948 and when that dispute was referred to a Tribunal in the beginning of 1949 it sanctioned an increase in Dear Food Allowance with effect from 1-1-1949. He claims that the arrears of D.F.A. allowed by the Tribunal should be paid to him. He says that he applied to the company but the company replied that as he was not in service of the company on the date of publication of the award (31-12-1949) they were not prepared to pay anything. He also claims 30 days privilege leave due to him and the company's contribution to his Provident Fund to which he is fully entitled because he says that it was due to the harassment of the company that he was forced to resign. Shri Gupta appearing for the company has given some details and showed me relevant papers in support thereof. Shri Saldanha was originally appointed as Marine clerk when the company was under-writing country craft insurance business. The company suffered loss in this type of business and therefore the company deputed Shri Saldanha to the accident insurance along with marine insurance. On 13th October 1948 Shri Saldanha applied for leave and continued on leave upto 25th November 1948. During the period of leave the work that was being carried on by him was divided between two persons. Shri Desraj was deputed to do the accident and the marine work was given to the Superintendent of the department. On Shri Saldanha's return from leave he was looking after the marine work. In May 1949 Shri Desraj who was in charge of accidents resigned as he got a job under the Uttar Pradesh Government. His work was transferred to Shri Saldanha but he refused this work and insisted upon doing only Marine work. On his persistent refusal to

accept work he was dismissed on 29th May 1949 but on the intervention of the Regional Labour Commissioner, Kanpur, he was taken back on a reduced salary, the reduction was to the extent of Rs. 50 per month for six months. He was reinstated on 29th June 1949. But on 11th July 1949 he submitted his resignation giving 30 days notice. He was mentioned as one of the persons victimised by the company before Shri F. Jeejeebhoy's adjudication where Shri Saldanha's case was dealt with under issue No. 3 which runs as follows:—

“ Issue No. 3 is therefore answered in the sense that the persons named therein did not suffer from any unfair labour practice or victimisation ”.

3. So far as the D.F.A. is concerned it is said that the dispute arose in August 1949 and Shri Saldanha had resigned on 11th July 1949 and the Notification of the Government in which the D.F.A. was mentioned is dated 13th August 1949 and the award of Shri Jeejeebhoy was in this case. This aspect of the case about D.F.A. is not covered by Section 33 of the Industrial Disputes Act 1947. Then comes the case of the payment of company's share of the provident fund. The administration of the provident fund is not in the hands of the company. It is administered by the trustees and there is a set of rules which have been shown to me and it is known as “ Provident Fund Rules and Pass Book ” of the company. Rule 23 (ii) (a) is important which runs as follows:—

“ 23. Subject to the provisions hereinbefore contained the amount standing to the credit of any member shall be payable to him on the day he ceases to be an employee of the company according to the following rules:

(i) In respect of the personal subscription the total amount of his personal subscription with interest thereon.

(ii) In respect of the company's contribution and interest thereon the following rules shall apply :—

(a) If he has served the company for a period of less than 7 years, he shall not be entitled to any portion of the same ”.

4. Shri Saldanha's complaint is not about his share of the Provident Fund but he claims the company's share of the Provident Fund. I do not see, how, so long as the above mentioned Provident Fund rule is there, the company can be asked to give their contribution towards the provident fund in his case, because he joined on 18th April 1947 and resigned on 11th July 1949 giving one month's notice.

5. So far as the privilege leave pay is concerned one has to look to the Service Conduct Rules of the company. A person who has resigned is not entitled to privilege leave. Reference may be made to Rule 18 (a) of the Service Conduct Rules of the company. I am afraid no relief can be granted to Shri Saldanha on the materials before me.

6. It may be mentioned that Reference No. 1 of 1951 was pending from 21-12-1950 to 16-4-1951 and Reference No.2 of 1951 from 29-1-1951 to 16-5-1951. The awards were despatched to the appropriate Government on 5-5-1951.

7. So far as the case of Shri P. K. Raha is concerned it appears that he was assistant to the accounts clerk in the Calcutta Branch. He joined service on 1st November 1947 and he was suspended on 17th March 1951. He says that he does not know whether he has been discharged or dismissed and he was still in the dark as no final orders have been passed and evidently the order of suspension continues. On 19th March 1951 he had submitted what he calls an explanation to the Calcutta Branch and on the same date the copy of it was sent to this Tribunal. On 20th March 1951 a letter was sent by the Head Office to Shri Raha. He sent a letter dated 28th March in reply to the company's letter dated 20th March. Then

on receipt of a letter from the Tribunal he sent a letter dated 7th June 1951. He says he has not heard anything from the company after this order of suspension. He was getting Rs. 50 basic pay and Rs. 30 as Dearness Allowance when he was suspended. The charges against him were carelessness, gross-misconduct and disobedience of instructions. His duty was to prepare daily premium report. He was filling in the daily premium report without looking into the book for figures. In the daily report dated 13th March 1951 he mentioned that the incoming re-insurance premium upto 13th March 1951 was Rs. 20,644-11-0 while in the daily premium report of 14th March he has mentioned that the incoming re-insurance premiums was Rs. 4,453-1-0 only. The Branch Manager on seeing this serious mistake asked Shri Raha to submit an explanation for his negligence. He refused to give any explanation and the Branch Manager therefore suspended him in the interest of discipline. At this stage I may mention the case reported in L.L.J. May 1951 at page 491 where it has been pointed out what the effect of an order of "suspension" is in connection with cases under Section 33A of the Industrial Disputes Act 1947. It appears, however, that an order of dismissal was passed on 12th May 1951 (Ex. F of the company's statement) and it was addressed to Shri Raha and a copy of the same was sent to the Branch Manager, Calcutta. The dismissal was to take effect from the date of suspension.

8. The awards as I have mentioned above were published on 16th May 1951 in the Gazette of India. Therefore this order of dismissal of the company comes within the purview of Section 33A of the Industrial Disputes Act 1947 as it stands. Shri Raha is entitled to relief under this section. But it appears that just now he is working in the Industries Department of the West Bengal Government as a clerk-typist and there he is getting Rs. 55 basic pay and Rs. 35 as dearness allowance. When I suggested a sort of compromise that he should express regret for the mistake done by him and the company should take him back, he was very unwilling to continue his service with the company. So the question of reinstatement in his case does not arise. But he is entitled to some compensation for his dismissal during the pendency of the Reference before the Tribunal. I would therefore order that the order of dismissal be set aside but I would not pass an order of reinstatement in the circumstances of the case. He should however get half pay for the period of suspension (i.e. from 17-3-1951 to 12-5-1951) and his share of provident fund should be given to him. He should be paid within a month of the publication of this award.

9. I may mention that in the course of the argument this question of dismissal was not mentioned by any of the parties but Ex. F of the company's reply to the Tribunal's notice shows distinctly that he was dismissed by an order of the company dated 12th May 1951.

10. The company may have been justified in suspending him for his gross mistake in writing out false account and for his subsequent tone in giving his explanation but the company is not justified in dismissing him during the pendency of the References 1 and 2 of 1951 before this Tribunal without the permission of this Tribunal.

I therefore give my award in terms aforesaid.

DHANBAD;

Dated 10th July 1951.

S. P. VARMA,

Chairman,

Central Government Industrial Tribunal,

Dhanbad.

[No. LR-90(55).

N. C. KUPPUSWAMI, Under Secy.

New Delhi, the 25th July 1951.

S.R.O. 1194.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (XIV of 1947) the Central Government hereby appoints the Assistant Labour Commissioner (Central), New Delhi, to be a Conciliation Officer in the State of Delhi in relation to any industrial dispute concerning :—

- (i) any industry carried on by or under the authority of the Central Government or by a railway company ;
- (ii) a banking or an insurance company, a mine, an oilfield or a major port.

[No.L.R. 1(172)I.]

S.R.O. 1195.—In pursuance of sub-section (3) of section 22 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby specifies the Assistant Labour Commissioner (Central), New Delhi, to whom an intimation relating to any lock-out or strike in the State of Delhi shall be sent under the said sub-section.

[No. L.R.1(172)II.]

New Delhi, the 28th July 1951

S.R.O. 1196.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the Chanch Chirkunda Coal Workers Union and the management of Laikdih Deep Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

Reference No. 9 of 1951

PRESENT :

Shri S. P. Varma, Barrister-at-Law, *Chairman.*

PARTIES :

The Chanch Chirkunda Coal Workers Union

Vs.

The Management of Laikdih Deep Colliery.

APPEARANCES :

For the Union: Shri Jaleshwar Prasad, M.A., LL.B., Advocate

For the Management: Shri S. S. Mukherji, B.Sc., B.L., Pleader.

AWARD

By a Notification No. LR. 4 (182), dated 3rd April 1951 the Government of India in the Ministry of Labour, referred to this Tribunal the dispute between Chanch Chirkunda Coal Workers Union and the management of Laikdih Deep Colliery in respect of two specific matters namely whether the dismissals of Shri Sachin Mukherjee and Raghubar Prasad were cases of victimisation and if so whether they should be reinstated in their former employment.

2. The usual notices were issued to the parties to submit their respective statement of claim. The written statement of the Union was received on 10th May 1951 and the statement in reply thereto by the management was received on 1st June 1951. The case was taken up on 20th June 1951, 21st June and 22nd June and the hearing concluded on the last date.

3. The case for the Union is that Shri Sachin Mukherjee and Shri Raghubar Prasad who were Assistant Secretary and Vice-President respectively of the Union were working as Lamp Cabin Clerks of Laikdih Deep Colliery at Laikdih. That

they came to be in the bad books of the management on account of their union activities. That on account of various grievances of the labourers they approached the authorities of the colliery in a peaceful procession to represent the grievances on 6th September 1948. The management did not like this. On the same date the management wrote a letter to the President of the Union making certain allegations about the rowdy conduct of Sachin Mukherjee and Raghubar Prasad. Naturally the Union suggested that the allegations made in that letter were not correct. That on 7th September 1948 a charge-sheet was submitted against Sachin Mukherjee and Raghubar Prasad to show cause why disciplinary action should not be taken against them. That a reply was given by these employees but in spite of that these two workers were suspended from service by letter of the management dated 11th September 1948. That letter however contains a passage to which the Union makes reference and that passage is :

“The case will be referred to the appropriate government authorities for investigation and decision. If the case is decided in favour of the clerks in question they will be paid for the period of suspension.”

This is Appendix ‘A’ of the Union’s statement. That the management dismissed Sachin Mukherjee and Raghubar Prasad by its letter dated 8th November 1948 addressed to them. This letter is Appendix ‘B’ to the Union’s written statement. The Union says that these two persons were victimised on account of Union activities and therefore they should be reinstated with full pay from the period of suspension to the time of re-statement. Reference has also been made to the Union’s letter dated 26th September 1948 [Ex. 1 (b)] and the 3rd October 1948 to the Regional Labour Commissioner (C), [Ex. 1 (c).]

4. We get some more materials from the statement filed on behalf of the management. The management deny that the two workers Sachin and Raghubar were in the bad books of the management simply because they worked for the Union or took part in the discussions concerning the workers of the company on behalf of the Union. They deny that they were anxious to discharge these two workmen on account of their Union activities. They further throw light on the question as to why this incident took place on 6th September 1948. The management says that in June 1948 a proposal was made to introduce identity discs to underground piece-rated workers against which lamps should be issued to such workers before going down the mine. They asked the Union to co-operate in this matter. Introduction of this system was necessary to comply with the Mines Act and Rules and Regulations and also to facilitate the recording of individual earnings of workers. In July 1948 as a result of certain discussions instructions were given for the issue of discs to mine workers for their identification at the time of issue of lamps who are going underground. Time and wage sheets were also introduced at this time. But in August 1948 Sachin and Raghubar refused to write up time and wage sheets for piece-rated underground workers as required in connection with the Coalmines Bonus Scheme. Then the management give us the events as they occurred on the morning of 6th September 1948. They say that on that date Sachin and Raghubar incited and led a rowdy procession in the company’s premises shouting various slogans including abuses against the members of the management and the Agent in particular. They led the procession to the Manager’s office and incited the men to throw away the discs. Some were thrown at the Agent. Although the workers were warned that lamps would not be issued without the production of the discs the workers took no heed and they were assured by Raghubar and Sachin that lamps would be made available to them. Then at the instigation and under the lead of Sachin and Raghubar the workers in a body forced the door of the lamp room and intimidated lamp clerks to issue lamps without any identification. Sachin and Raghubar acted in a manner subversive to all discipline and rules. They deny the allegations of the Union that the workers had gone in a peaceful procession to have certain of their grievances redressed. The company also says that the

incidents mentioned in the charge-sheet are correct. Although the said two workmen purported to reply to the said charges they did not offer any explanation to the actual charges made. That the order of suspension passed by the management on these workmen, Raghubar and Sachin was on proper consideration of the facts and circumstances for maintenance of discipline, and in the interest of the well-being of the other workers and in smooth working of the colliery. The management says that the company requested the Conciliation Officer to enquire into the matter and pass necessary orders with regard to the action taken by the company. The Conciliation Officer passed on the case to the Regional Labour Commissioner (C), Dhanbad, who held an enquiry but did not give any decision. He asked the Union and the management to arrive at a settlement. The Union President and the Chief Mining Engineer met on 29th October 1948, discussed the case and could not arrive at any agreed conclusions. The management therefore in view of the gravity of the offence dismissed these two workmen on 8th November 1948. The company practically denies the fact it was a case of victimisation. As a matter of fact, they submit that this action was taken in the interest of discipline and prevention of any violation of the Mines Act Rules and Regulations.

5. The management examined some witnesses in support of their case. Shri S. Rakshit, Agent of the Laikdih Deep Colliery, Shri P. C. Roy, Assistant Manager, Laikdih Deep Colliery and Mr. W. J. Jameson, Chief Personnel Officer of the management were examined and their evidences recorded in full. These witnesses were examined on 21st June 1951. On 22nd June two more witnesses namely Shri S. M. Desai and Shri S. K. Basu, Assistant Accountants of the Chief Mining Engineer's Office were examined. The Union did not examine any witnesses but they contented themselves by cross-examining the witnesses of the management and filing some documents.

6. I shall now take the issues one after another.

Issue No. 1 —Whether the dismissals of Messrs. Sachin Mukherjee and Raghubar Prasad were cases of victimisation :

The chief point that has to be considered is whether on the morning of 6th September 1948 the incident took place in the manner alleged by the management and whether Sachin and Raghubar were guilty of the charges framed against them. The incident took place such a long time ago that mere oral statement unsupported by any documents should be accepted with caution. Now the charges framed against the workers were as follows :

- “1. You have incited the employees of Laikdih Deep Colliery to behave in a riotous and disorderly manner and also behaved in the similar manner yourselves [Violation under 10(h), Appendix ‘A’ of C. B. A.]
2. You have instigated sending down of men down the mine who had not been identified properly which has lead to maintenance of incorrect register of persons who worked in the mine in the first shift of 6th instant. (Violation under the Mines Act Rules and Bye-laws.)
3. You have been a party to criminal intimidation of the lamp cabin staff on duty at that time in order to force them to issue lamps without proper identification of persons to whom lamps were issued in that shift and thereby forcing them to contravene the provisions of the Indian Mines Act.”

They were asked to submit their explanation within 24 hours.

7. The reply to the above charges happens to be Ex. A3 by Raghubar Prasad and Ex. A4 by Sachin Mukherjee. Generally speaking they say that they were not responsible for what took place on the morning of 6th September 1948. There is a note by Shri Rakshit on the top of these explanations. Both explanations are

dated 8th September 1948. Ex. A5 is a report of the Agent to the Chief Mining Engineer about the incident of the 6th instant, and the order of suspension as already mentioned was passed on 11th September 1948 and that order is Appendix 'A' to the written statement of the Union. On 16th September 1948 two Demi-official letters were sent by Conciliation Officer to the Chief Personnel Officer of the management. Ex. A6 is the forwarding letter and Ex. A7 is a sort of report which describes the incident that took place in a meeting between the workers, Chief Mining Engineer and a Deputy Magistrate of Dhanbad. One thing is important in this report and that is that on persuasion by the Deputy Magistrate the workers took back the identification discs. The representatives of the Union, Sachin and Raghubar promised that there would be no trouble with regard to issue of lamps and discs in future. Ex. A8 is a note by the Inspector of Mines to Shri Rakshit the Agent of the colliery. Ex. A9 is a letter dated 29th September by which the Conciliation Officer referred the matter to the Regional Labour Commissioner. Ex. A10 is the order of dismissal, dated 5th November 1948, passed by the C. M. E.

8. One can get an idea of the incident that took place on the morning of 6th September 1948 from the statement of the witnesses as well as the various documents which came into existence near about the time of occurrence. Shri Rakshit, the Agent supports by his statement before the Tribunal his report Ex. A2. Shri Roy, the Manager was examined by the Regional Labour Commissioner on 21st October 1948 and his statement before the Tribunal is on the same lines. Mr. J. Jameson in his statement before the Tribunal supports his report Ex. C, dated the 8th September 1948. I see no reason to disbelieve the evidence of these witnesses.

9. It appears that the workers went in a body shouting slogans and threw identity discs where the Agent was standing and then they wanted to force the lamp clerks to issue lamps without the discs. In these transactions Sachin and Raghubar took a prominent part. It is true that they are office bearers of the Union but an office bearer of the Union is not immune from any disciplinary action being taken against him simply because he is an officer of the Union. There is one thing I notice that the fact that discs were thrown in the morning is to a certain extent corroborated by certain statements in the cross-examination of Shri Rakshit. The question was like this. At 3 P.M. on the date of occurrence did these two discharged workmen help the management in re-distributing the discs and accepted the discs? The answer was that they helped the magistrate in re-distributing the discs. At the time this occurrence took place the standing orders that were followed in the colliery were as laid down in the C. B. A. draft standing orders which is Appendix 'A' of that award. In Appendix 'A' of that award we find in para 10 (h)—

“riotous or disorderly behaviour in the colliery or any act subversive of discipline”

comes within the description of misconduct for which an employee may be punished by suspension, fine or dismissal. On these materials I am of opinion that the dismissal of these two persons Sachin Mukherjee and Raghubar Prasad was not a case of victimisation.

10. The next issue is whether they should be reinstated in their former employment. It appears to me from the nature of some pieces of evidence that have been brought on the record that the punishment of dismissal is rather a severe one. It appears from the evidence of Shri P. C. Roy that when the workers in a body led by Sachin and Raghubar came to the office Raghubar said “Apna Sawal Bolo”, that is to say he did not want to take the responsibility of narrating the grievances of workers upon himself. We also find from the evidence of Shri Rakshit which I have quoted earlier that Sachin and Raghubar helped the magistrate when he came there to collect the discs and in re-distributing them. Both these workmen promised that no further trouble would arise about the disc system. One important piece of correspondence may also be referred to and that is Ex. C which is a note by

Mr. Jameson in which he recommends that Raghubar should be reinstated in order to produce good feelings between the workmen and the management. The reason why he did not recommend the re-appointment of Sachin was that because it might show weakness on the part of the management and also because he had some previous history unconnected with the incident of the 6th September 1948 which he thought was against him. The Tribunal is concerned chiefly with what took place on the date of occurrence (6-9-1948) and which ultimately led to this reference.

11. I am of opinion that Sachin Mukherjee and Raghubar Prasad were dismissed because they were leaders of the incident. Leaders have very often to follow and therefore in the heat of the moment they did not realise the gravity of what was being done on the morning of 6th September 1948 but later on at least before the Magistrate they promised that no further trouble would arise. I think that these two workmen should be reinstated within a month of the publication of this award. I cannot recommend payment of their wages for the period between the date of suspension and the date of re-instatement because I have already held that their conduct was subversive of discipline and the management had to take some steps in the matter.

I therefore give my award in terms aforesaid.

DHANBAD,
Dated 19th July, 1951.

S. P. VARMA,
Chairman,
Central Government's Industrial Tribunal,
Dhanbad

[No. LR-4(182).]

New Delhi, the 30th July 1951

S.R.O. 1197—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33 A of the Industrial Disputes Act, 1947 made on behalf of the Chotanagpur Coalfield Workers' Union, Kargali.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

PRESENT :

Shri S. P. Varma, Barrister-at-Law, *Chairman*

PARTIES :

The Management of Kargali Colliery of the State Railway Collieries.

Vs.

Their Workmen.

APPEARANCES :

For the management :—Shri M. G. Fell, Manager, Kargali Colliery.

For the workmen : Shri Balram Roy, General Secretary, Chotanagpur Coalfield Workers' Union.

Application under Section 33A of the Industrial Disputes (Amendment) Act 1950.

This is an application under Section 33A of the Industrial Disputes (Amendment) Act, 1950 arising out of Reference No. 7 of 1950 of this Tribunal. The application is on behalf of the General Secretary of the Chotanagpur Coalfield Workers' Union, Kargali. The first application was made on 6th April 1951 and the second application was made on 18th April 1951. In the first application the complaint is that six men in this—(1) Bafati Mia, (2) Jai Ram Bishram, (3) Ramesdas Singh

(4) Ambika Singh, (5) Ramdeo Pathak, (6) Jadumandan Dubey—were dismissed on 9th March by the Raising Contractor Shri N. P. Singh in connivance with the colliery officers and this was done during the pendency of Reference No. 7 of 1950 of this Tribunal. The notification in that Reference was issued on 17th October 1950 and the award was published on 3rd April 1951. They also complained in their second application that a Munshi was promoted as Miners' Sirdar giving him half the labourers of Sirdar Gulab Chaubey, and two clipmen Sobhani and Sumali of the same contractor were discharged and on representation they were reinstated but not paid for the period they sat down. Shri Gopeswar Prasad was suspended for a period of 11 days and has not been paid for that period. Shri N. R. Goswami the headclerk of the Superintendent of Collieries, Kargali, has been reverted and appointed as Manager's Headclerk of Swang Colliery without giving any reasons.

2. So far as the dismissal of six munshis is concerned it will be noted that even in their complaint the Union says that they were dismissed by Shri N. P. Singh, Contractor. The responsibility of the management is supposed to arise by the connivance of the management in this matter. The management on the other hand alleges that the six munshis were under the labour contractors and according to the terms of the agreement between the contractor and the management their services could be terminated by the contractor and moreover the contractor was not a party to the dispute in Reference No. 7 of 1950 that was pending before this Tribunal.

3. The first question that arises for consideration is whether the management is the employer of the six munshis who were discharged or of Sirdar Gulab Chaubey or of the two clipmen. There is an admission by the Union that the munshis, and the Sirdar and the Clipmen were employed under Shri N. P. Singh and they were discharged or their condition of service changed by him. Looking at para 2 of the agreement between the contractor and the management it will appear that the contractor appoints his own labour and supervises the work of his labour over which the management has no direct control and the management by agreement with the contractor decides, settles or directs, what work should be done. The manner or mode of work rest with the contractor. But employment, payment of wages, the manner of execution of work, or discharge or dismissal of the contractor's labour is under the direct control of the contractor. There is no relationship of employer and employees between the management and the labourers of the contractors. That being the position a dismissal or change in conditions of service of some of the workers under the contractor cannot be said to attract the provisions of Section 33A of the Industrial Disputes (Amendment) Act, 1950. In this connection reference may be made to Labour Law Journal, December 1950, page 1235. It is practically admitted by the Union that service conditions of Gulab Chaubey and the non-payment of wages to clipmen were done by the contractor. Naturally therefore the management is not responsible in any way. So far as the service conditions of Gulab Chaubey is concerned it will be seen that his service conditions were not changed in any way because before April 1950 the commission payable to Gulab Chaubey was half of the commission and it was paid to Radha Mohan Singh as his wages. After April 1950 the labourers were divided half and half and the ration cards of the labourers under Gulab Chaubey were corrected by the colliery in November 1950.

4. In my opinion so far as the case of the six munshis and other persons named in the application by the Union except Goswami, do not come within the mischief of section 33A of the Industrial Disputes Act.

5. So far as the case of Shri N. R. Goswami is concerned it appears from the statement of the management that he was a Superintendent's clerk and for sometime

officiating as the Superintendent's Headclerk till a permanent arrangement could be made. The Headclerks in the colliery offices filed appeals before the management objecting to Shri N. R. Goswami continuing as officiating Headclerk of the Superintendent's office who as Superintendent's clerk was junior to them all. A committee was set up who after considering the seniority and efficiency in service of various persons eligible for the post gave the decision in October 1950, and Shri R. C. Ghosh was appointed as Headclerk in the Superintendent's office. Shri N. R. Goswami however was appointed as Headclerk in the Swang Colliery, under better conditions than those available in his substantive post. In the case of Shri Goswami it is not a case of discharge or punishment by dismissal or otherwise. If at all it may be a case of alteration of his conditions of service. But I am doubtful if the alteration in the condition of his service is to the prejudice of Goswami when he has got a better substantive post than he originally held. I am afraid that there is no merit in these applications and I therefore give my award that no interference by the Tribunal is called for.

6. Before I close this award I may mention that the Union insisted upon the production of certain number of ration cards some of which have been produced. The production of these ration cards does not help them in any way for the purpose of deciding whether these workers who hold the cards were the management's employees or contractors employees because according to the terms of the agreement the contractors' workers are also entitled to rations.

I therefore give my award in terms aforesaid.

S. P. VARMA Chairman
Central Government Industrial Tribunal, Dhanbad.
[No. LR. 2(287).]

DHANBAD

Dated 16th July 1951

S.R.O. 1198—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the management of the Angarpathra Colliery and their workmen in respect of supply of rice at controlled rate.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

Reference No. 7 of 1951.

PRESENT :

Shri S. P. Varma, Barrister-at-Law, *Chairman.*

PARTIES :

The Management of the Angarpathra Colliery

AND

Their workmen.

APPEARANCES :

For the management : Shri Upendra Nath Paul, Manager, Angarpathra Colliery

For the workmen : Janab J. H. Khan, General Secretary, National Angarpathra

Jogta Union, P.O. Sijua,

AWARD

By notification No. LR-2(237) dated 12th February 1951 the Government of India in the Ministry of Labour referred this dispute to this Tribunal in the following terms :

"Whereas an industrial dispute has arisen between the management of the Angarpathra Colliery and their workmen in respect of supply of rice at controlled rate ;

And whereas the Central Government considers it desirable to refer the dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (XIV of '47) the Central Government is pleased to refer the said dispute for adjudication, to the Central Government Industrial Tribunal at Dhanbad, constituted under Section 7 of the said Act".

2. In order to understand the case it is necessary to give a few facts. On 4th October 1950 the General Secretary of the National Angarpathra Jogta Union served a notice on the management with 14 demands and threatened to go on strike unless a settlement was arrived at. The demand that is important for the purposes of this case is demand No. 2 by which they wanted that dal and rice must be supplied to the workers at the concession rate. Conciliation was taken up by the Conciliation Officer but the workers went on strike on 18th December 1950 which was ultimately called off on 31st January 1951. It may be mentioned in passing that the management had applied to the Regional Labour Commissioner for the declaration of the strike as illegal. The conciliation proceedings before the Regional Labour Commissioner evidently failed because on 15th January he put in his order sheet that the conciliation had failed and that he was sending a report to the Chief Labour Commissioner reporting the failure of conciliation. On 29th January 1951 an agreement was entered into between the management and Janab I. H. Khan representing the workers which has been signed by the Managing Agent, National Coal Co. Ltd., Angapathra, for the management, and Janab I.H. Khan as the General Secretary of the National Coal Co., Ltd. Workers' Union and below these two signatures I find a note by the Labour Inspector (Central), Katrasgarh, Janab Syed Safdar Imam and the note runs as follows :

"The parties have mutually arrived at this agreement in order to end the strike and have signed the agreement in my presence".

I am attaching the memorandum of settlement (Ex. A of this Tribunal) as Appendix 'A' to this award because its contents are of great importance. The first item of agreement runs as follows :

"(1) The management taking very sympathetic attitude agrees to give the workers and staff of the colliery rice as As. 6 per seer as a concession rate from the date of this agreement. The quantity of rice will be given to the workers and staff for a period of six months at present. The concession rate at As. 6 per seer will continue subject to any change as per majority of like collieries in the field in future".

I need not quote the other portions of the agreement because the Reference before me is with regard to "supply of rice at controlled rate."

3. The written statement filed by the workers and signed by the General Secretary of the Union Janab I.H. Khan is as follows :

"1. That the employers of the Angarpathra Colliery in disregard of the Standing Custom of the Coal Industry and the Standing Orders of the Ministry of Labour and an agreement arrived at in the C.B. Award had been supplying rice to the workers at the rate of -/9/6 per seer.

2. That they have recently began Sic (begun) to supply rice at the rate of -/6/- per seer which is also higher than the customary rate of -/5/- per seer.

3. That the workers are entitled to get rice at the rate of -/5/- per seer and they are also entitled to get with retrospective effect a refund of the

excess sum paid from the year 1943 when from the supply of rice at concession rate began in the industry”.

4. The management on the other hand contended that they were supplying rice to workmen at the controlled price fixed by the Government. As a member of the Indian Mining Federation they used to get supply of different kinds of rice from the Joint Pool at the controlled rates fixed by the Government. The management supply the same to the workers at that rate. They also submitted that from the year 1946 to August 1950 the management was supplying rice at rates varying from As. 5 to As. 6/3 a seer as per controlled rate and at As. 7 for fine or superfine varieties during some period. From September 1950 the Joint Pool was supplying only fine and superfine Arwa rice at very high rate. Therefore when the management offered to sell that type of rice at As. 9 per seer to the workers, some of them accepted and some of them did not accept it. There was an agreement on 25th October 1950 before the Conciliation Officer to the effect that rice should be supplied at the usual rate fixed by the Government, and then when the workers went on strike on 18th December 1950 an agreement was arrived at on 29th January 1951 as already mentioned.

5. It will appear from the facts stated above that the Regional Labour Commissioner reported failure of conciliation on 15th January 1951 and the Notification by the Ministry of Labour in this Reference is dated 12th February 1951. In between these two dates that is on 29th January 1951 this agreement Appendix 'A' to this award was arrived at between the parties. The line of argument adopted by Janab I. H. Khan is that the workers came to this agreement because they were undergoing great hardship and that this agreement should be set aside. Moreover, he says that in the neighbouring collieries rice is being sold at the rate of As. 5 a seer. In support of his argument he has examined Brijnandan Prasad, a teacher connected with the Jogta Colliery, Mundu Passi, a miner and Ugra Singh and Rupan Mian, Trolleyman Sirdars. It will be noticed that even in the reply filed by the Union the names of the last three of these witnesses were left blank and only the name of Brijnandan Prasad was mentioned. Moreover, in cross-examination it transpired that none of those witnesses had brought their ration cards in support of their statement namely that they were getting rice at As. 5 per seer. These witnesses only believe with regard to the rate at which rice is being supplied at different collieries but they do not in any way allege that between the period 29th January 1951 and 29th June 1951 when they were examined, there was any change of circumstances which would call for an interference with the terms of the agreement arrived at between the parties by the document appendix 'A'. Shri Upendra Nath Paul, Manager, who has been examined for the management says that different collieries supply rice at different rates.

6. In spite of the strenuous argument of Janab I. H. Khan who argued for the workers although Shri B. P. Sinha was present for sometime, I do not see how the terms of the agreement arrived at on 29th January 1951 can be modified. It was signed by both parties in the presence of a very important officer. If they were aggrieved by any of the terms of the agreement then and there it ought to have been brought to the notice of the proper authorities. Nothing of the kind was done. After signing of this agreement the workers resumed their work. In the absence of any documentary evidence it is very difficult to say that it has been established that the general rate in the neighbouring collieries is As. 5 per seer. The management gives one version and the workers another. I think under the circumstances I see no reason to give my award modifying the agreement that was arrived at between the parties on 29th January 1951.

I therefore give my award in terms aforesaid.

DHANBAD :

Dated 17th July 1951

S. P. VARMA, Chairman.

Central Government's Industrial Tribunal, Dhanbad.

APPENDIX A.

Memorandum of settlement.

This is an agreement entered between National Coal Company Ltd, hereinafter called the employer and Shri I. H. Khan, hereinafter called the Labour Leader of the workers, this 29th day of January 1951, where as on or about the 4th October 1950, the labourers of the colliery under Shri I. H. Khan, brought a complain against the company to redress their certain alleged grievances and where as with reference to the aforesaid notice the Conciliation Officer, Dhanbad, convened a meeting of the parties and wherein certain settlement was arrived at and the parties accepted by affixing therein signatures and whereas in the aforesaid meeting labour leader brought forth an oral complain against the company for dismissal of four workers of the company and whereas the Conciliation Officer, asked the parties to meet again on the 30th October, 1950, for investigation and requested the company to pay the wages of the aforesaid four dismissed persons in the meantime and whereas the aforesaid Conciliation could not take place owing to the absence of the Conciliation Officer, and whereas the labourers of the colliery in a body left their work on the 18th December, 1950 and whereas this strike continued uptill today and whereas to put an end of the strike at the kind intervention of Shri S. S. Imam, Labour Inspector (Central), Katrasgarh, the following agreement have been arrived at and is being inserted as follows :

(1) The Management taking very sympathetic attitude agrees to give the workers and staff of the colliery rice at -/6/- per seer as a concessional rate from the date of this agreement. The quantity of rice will be given to the workers and staff for a period of six months at present. The concession rate at -/6/- per seer will continue subject to any change as per majority of like collieries in the field in future.

(2) The workers who are on strike from 18-12-50 shall resume work as and when required. The strike has been called off by the workers and staffs of the colliery from the date and time this agreement is signed by the parties.

(3) The management will endeavour to provide the workers and staffs as far as possible on some alternate job at present as working places due to inundation of the mine are not available and for some time more will not be available. As far as possible all workers will be given works except in case of line mistry, Sukhdeo who cannot be provided with the job at the moment. He will be provided when the colliery resume full working and the service of a line mistry will be required. In the meantime the line mistry may work in other colliery, as the management is unable to give him any alternate job.

(4) Nanda Kumar, ex-black-smith who was discharged by the management on 14-10-1950, as he was surplus to the requirement will not be reinstated by the Management, but he will be paid Rs. 60 as full and final settlement of his dues, on his vacating the quarter under his occupation.

(5) Lakhu Bauri, ex-overman Ramkhelawan, ex-hammerman and Biffan, ex-mazdoor will be reinstated as soon as possible by the Management as a matter of favour and they will be paid one week normal rate of wages only for the entire period up to date. This one week's wages has been given by the Management only in order to help them.

(6) The question of legality or otherwise of the strike which is spending will be decided in the usual course by the Regional Labour Commissioner, or other competent authorities. The parties will be bound by the decisions with all legal consequence.

(7) The Union undertakes to implement or cause to be implemented or carry out or cause to be carried out all above terms of the agreement affecting the workmen.

(8) The parties to this agreement will be bound by and responsible to implement the above terms of the agreement. Any party violating or failing to implement any of the above terms this Memorandum of Agreement will be null and void.

Dated, National Angarpathra Colliery,
the 29th January 1951

Sd. Illegible
Managing Agent,
National Coal Co., Ltd.
Angarpathra.

Sd. I. H. KHAN,
General Secretary,
National Coal Co., Ltd.,
Workers' Union.

The parties have mutually arrived at this agreement in order to end the strike and have signed the agreement in my presence.

Sd. SYED SAIFDAR, IMAM,
Labour Inspector (Central),
Katrassgarh.

[No. L.R. -2(327)]

ORDER

New Delhi, the 28th July, 1951.

S.R.O. 1199.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following amendments shall be made in the Order of the Government of India, in the Ministry of Labour No. LR-3(165) dated the 27th June, 1951, namely:—

In the said Order

- (a) for the words "Master Stevedore Association, Calcutta and the Dock Mazdoor Union in respect of the Matters specified in the Schedule hereto annexed", the words "members of the Master Stevedore Association, Calcutta, specified in Schedule I and their workmen in respect of the matters specified in Schedule II" shall be substituted.
- (b) the Schedule shall be renumbered as Schedule II and before the schedule as so renumbered, the following Schedule shall be inserted, namely:—

SCHEDULE I

1. Messrs B.I.S.N. Co. Ltd., Cargo Department, 8, Strand Road Calcutta.
2. Messrs Butter-worth & Farmer, 14, Alipore Park Road, Calcutta.
3. Messrs P. E. Davis & Co., 6, Commercial Buildings, Calcutta.
4. Messrs Sarat Chatterjee & Co., Ltd., 3, Mango Lane, Calcutta.
5. Messrs E. C. Bose & Co., 22, Strand Road, Calcutta.
6. Messrs A. C. Roy & Co., Ltd., 1, Mango Lane Calcutta.
7. Messrs Beni Madhav Mookerjee & Co., 74, Bentick Street, Calcutta.
8. Messrs S. C. Banerjee & Sons Ltd., 7, Swallow Lane, Calcutta.
9. Messrs H. M. Coria & Sons, 35, Chittaranjan Avenue, Calcutta.
10. Messrs M. Elias Ltd., 11, Netaji Subhas Road, Calcutta.
11. Messrs J. N. Mukherjee & Co., Ltd., 20, Strand Road, Calcutta.

12. Messrs Balai Lal Mookerjee & Co., Wardley House, 25, Swallow Lane, Calcutta.
13. Messrs P. Chatterjee, 7, Garstin Place, Calcutta.
14. Messrs Durabshaw B. Cursetjee & Sons, 7, Pollock Street, Calcutta.
15. Messrs B. Bose Limited, 43, Dharmotollah Street, Calcutta.
16. Messrs K. P. Gorsia, 24, Strand Road, Calcutta.
17. Messrs Liennel Edwards Limited, D-1, Clive Buildings, Calcutta.
18. Messrs Liners Agency Limited, 3, Mango Lane, Calcutta.
19. Messrs B. Ghose & Co., 29-31, Mission Row Extension, Calcutta.
20. Messrs M. R. Mookerjee, Naval House, Hastings, Calcutta.

[No. LR-3(165)]

S. NEELAKANTAM, Dy. Secy.

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